

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

and

ALLIANCE FOR THE WILD
ROCKIES and NATIVE
ECOSYSTEMS
COUNCIL,

Consolidated Plaintiffs,

vs.

U.S. FOREST SERVICE, et al.,

Defendants,

KOOTENAI TRIBE OF IDAHO,

Defendant-Intervenor,

and

KIRSTEN KAISER, District Ranger,
Kootenai National Forest, Three
Rivers Ranger District, et al.,

Consolidated Defendants.

Lead Case No.
CV 22–114–M–DWM

Member Case No.
CV 23–3–M–DWM

ORDER

Federal Defendants, in both the lead and consolidated cases, move for
clarification and guidance following the Court's January 12, 2023 Order

consolidating the above-captioned cases. (Doc. 36.) There, the Court ordered that the original briefing schedule, (*see* Doc. 25), remain in place until the parties requested a different schedule. Having considered Federal Defendants' proposals and Plaintiffs' and Consolidated Plaintiffs' correspondence,

IT IS ORDERED that Defendants' and Consolidated Defendants' motion, (Doc. 38), is GRANTED IN PART and DENIED IN PART. It is granted to the extent outlined in the updated briefing schedule below and denied in all other respects.

IT IS FURTHER ORDERED that the following schedule will govern all further proceedings:

Plaintiffs' (10,000 words) and Consolidated Plaintiffs' (6,500 words) motions for summary judgment and briefs	January 27, 2023
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Defendants' and Consolidated Defendants' combined cross-motion for summary judgment and response brief (15,000 words)	March 9, 2023
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Defendant-Intervenor's and Proposed Consolidated Defendant-Intervenor's combined cross-motion for summary judgment and response brief (11,000 words)	March 20, 2023
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Plaintiffs' (9,000 words) and Consolidated Plaintiffs' (4,500 words) reply and response briefs	April 20, 2023
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Defendants' and Consolidated Defendants' May 18, 2023
reply brief (8,000 words)

Defendant-Intervenor's and Proposed May 25, 2023
Consolidated Defendants Intervenor's
reply brief (5,000 words)

This schedule is not subject to revision absent a Court order. Motions to continue will be granted only upon a showing of good cause. Local Rule 7.1 governs the briefing schedule and word limits for all motions that are not specifically discussed in this Order. The filing of such motions will not stay this Order's deadlines.

Although Plaintiffs and Consolidated Plaintiffs have leave to file separate briefs with the above word limits, duplicative briefing will not be considered. Plaintiffs and Consolidated Plaintiffs must coordinate to ensure issues common to their respective complaints are addressed by only one party. Credit will be given to Plaintiffs for Consolidated Plaintiffs' arguments, and vice versa. Additionally, Plaintiffs and Consolidated Plaintiffs should only file one combined joint statement of undisputed facts.

Similarly, Defendant-Intervenor's briefing should not be duplicative of Federal Defendant's briefing.

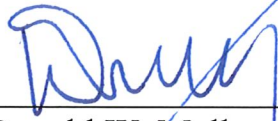
The parties are advised that there will be no separate briefing to address remedies. Accordingly, the parties shall address remedies in their summary judgment briefs.

IT IS FURTHER ORDERED that Federal Defendants need not answer Consolidated Plaintiffs' Complaint. Consolidated Federal Defendants' Motion to Clarify the Court's January 12, 2023 Order, (Doc. 38), and accompanying brief, (Doc. 39), marks their appearance in this matter.

IT IS FURTHER ORDERED that within two days of filing their summary judgment briefs according to the schedule set forth above, the parties shall conventionally file a thumb drive or CD that contains PDF versions of the brief and relevant portions of the administrative record. The citations in the brief shall be hyperlinked to the relevant pages in the administrative record.

IT IS FURTHER ORDERED that in all filings with the Court, the parties shall not use acronyms except for the following commonly understood acronyms in record review cases: NEPA, NFMA, APA, ESA, EIS, and EA.

DATED this 20th day of January, 2023.



Donald W. Molloy, District Judge
United States District Court

